IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

WP(C).No. 11325 of 2007(W)

PETITIONER:

SUBRAMANIAN, KRISHNA NIVAS,
1/635-A, KAVUNGAL PARAMBU, PUDUSSERY, PALAKKAD
RETD. STENOGRAPHER GRADE-I, CO-OPERATIVE SUGAR LTD., CHITTUR.

BY ADV. SRI.BINDU SREEKUMAR

RESPONDENTS:

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1. DISTRICT LABOUR OFFICER,
PALAKKAD.

2. MANAGING DIRECTOR,
THE CO-OPERATIVE SUGAR LTD.,
CHITTUR, MENONPARA P.O., PALAKKAD- 678 556.

R1 BY GOVT. PLEADER SRI. P.K. RAVIKRISHNAN.
R2 BY ADV. SRI.K.ANAND (A.201)
SMT.LATHA KRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 11325/2007.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF THE ORDER DATED 12.11.2004 IN G.C. NO.27/2003 PASSED BY THE 1ST RESPONDENT.

EXT. P1(a) : TRUE COPY OF NOTICE OF REQUISITION UNDER SECTION 69(2) ISSUED BY THE 1ST RESPONDENT DATED 12.11.2004.

EXT. P2 : TRUE COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT DATED 13.1.2005 TO THE 2ND RESPONDENT.

EXT. P3 : TRUE COPY OF THE LETTER SENT BY THE 2ND RESPONDENT TO THE 1ST RESPONDENT DATED 22.2.2005.

EXT. P4 : TRUE COPYOF SHOW CAUSE NOTICE SENT BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT DATED 11/4/2005.

EXT. P5 : TRUE COPY OF THE JUDGMENT IN W.P.(C) NO.21160/05 PASSED BY THIS HONOURABLE COURT DATED 4.12.2006.

RESPONDENTS' EXTS:

EXT. R2(a) : TRUE COPY OF THE PAYMENT SLIP FOR THE MONTH OF OCTOBER, 2002 PAID TO THE PETITIONER.

EXT. R2 (b) : TRUE COPY OF THE PAYMENT SLIP OF ARREARS AMOUNT OF GRATUITY PAID TO THE PETITIONER.

EXT. R2(c) : TRUE COPY OF THE PAYMENT SLIP PAID TO THE PETITIONER ON 1.3.2007.

K.M.JOSEPH, J.

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WP.(C) No. 11325 of 2007

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Dated this the 5th day of November, 2007

JUDGMENT

Petitioner approached this court praying for a direction to the second respondent to sanction and disburse the balance gratuity amount of Rs.25,100/- and last drawn salary of Rs.6500/- for the month of October, 2002 due to the petitioner with 12% interest per annum from the date on which such amount fell due and for a direction to the first respondent to enforce the order dated 12.11.2004 by taking necessary revenue recovery proceedings against the management for the realization of the balance gratuity amount of Rs.25,100/- and last drawn salary of Rs.6500/- for the month of October, 2002.

2. Heard counsel for the second respondent also.

3. As far as prayer for payment of salary for the month of October, 2002 is concerned, it is not in dispute that the petitioner has received the same. Regarding the balance amount of gratuity, it is not in dispute that the petitioner has received some amount of gratuity. But according to the petitioner balance amount remains to be paid on the said account.

4. According to the learned counsel for the second respondent the amount to be paid is Rs.14,250/-. It is also submitted that the condition of the Company is bad and the Company can pay off the balance amount as aforesaid within six months from today. Learned counsel for the petitioner submits that the petitioner is bed ridden, he retired in the year 2002 and his financial condition is very bad.

Having regard to all the circumstances, there will be a direction to the second respondent to pay the amount of Rs.14,250/- to the petitioner towards gratuity within a period of three months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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